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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,756	11/19/2003	Robert D. Galli	E001 P00759-US1	6193

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EXAMINER
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PAYNE, SHARON E

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,756

Applicant(s)

GALLI, ROBERT D.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to because of the following informality: the word "sleeve" should be placed before the period at the end of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over St. Claire (U.S. Patent 6,168,288) in view of Stimson (U.S. Patent 1,990,504).

Regarding claim 12, St. Claire discloses a circuit board having an upper surface and a lower surface (abstract), a solid state lighting element (reference number 48) having an output end and first and second contact leads extending therefrom (Fig. 1, on the right), the lighting element mounted to the upper surface of the circuit board (Fig. 1, on the right), a first electrical contact (reference number 38) formed on the upper surface of the circuit board (Fig. 2), the first electrical contact in electrical communication with the first contact lead of the light element (Fig. 4), a second

electrical contact (reference number 40) on the circuit board (Fig. 2) in electrical communication with the second contact lead of the lighting element (Fig. 4) and a circuit board in one end of a tubular housing (Fig. 1). St. Claire does not disclose a thermally conductive receiver sleeve or an electrically conductive tubular housing.

Stimson discloses a receiver sleeve (reference number 48) having a tail portion (threaded portion and the portion of intermediate width around the light source, Fig. 1) at one end thereof (Fig. 1), the receiver sleeve being electrically and thermally conductive (page 2, column 2, lines 5-15), the tail portion being received around the output end of the lighting element to provide a thermally conductive path to dissipate heat from the lighting element (Fig. 1), and a tubular housing (reference number 42), the housing being electrically and thermally conductive (page 2, column 2, lines 29-45, and Fig. 1), the lighting element and receiver sleeve received in one end thereof (Fig. 1), the first electrical contact in electrical communication with the tubular housing (page 2, column 1 in lines 30-45) and the receiver sleeve in thermal communication with the tubular housing (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the receiver sleeve of Stimson in the apparatus of St. Claire to simplify flashlight construction by using one piece (the receiver sleeve) for two functions (part of electrical circuit and lamp socket support). See page 1, column 1 in lines 40-45, and page 1, column 2 in lines 10-15, of Stimson.

Concerning claim 13, St. Claire does not disclose a receiver sleeve. Stimson discloses the receiver sleeve (reference number 48) surrounding the output end of the

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lighting element providing a thermal barrier to absorb radiant heat from the lighting element (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the receiver sleeve of Stimson in the apparatus of St. Claire to reflect stray light to the front of the apparatus, thus maximizing light output. See Fig. 1 of Stimson.

Regarding claim 16, St. Claire does not disclose a receiver sleeve. Stimson discloses the receiver sleeve having a second end opposite the tail portion (Fig. 1, top part of apparatus with reference number 48) and means for controlling the light output from the output end of the lighting element (lens, reference number 14), the means coupled to the second end of the receiver sleeve (Fig. 1, top).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lens and receiver sleeve of Stimson in the apparatus of St. Claire to direct light output to produce a desired lighting pattern. See Fig. 1 of Stimson.

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over St. Claire in view of Stimson as applied to claim 12 above, and further in view of Yee (U.S. Patent 6,160,355).

Regarding claim 14, St. Claire and Stimson do not disclose control circuitry. Yee discloses control circuitry (Fig. 1) mounted on the upper surface thereof adjacent the

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lighting element (abstract), the control circuitry in electrical communication with the LED (abstract) and circuit board (Fig. 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the circuit of Yee to connect the second contact of the lighting element to the second contact on the circuit board in the apparatus of St. Claire and Stimson to cause the light to flash when desired, producing a desired lighting effect. See the bottom right corner of Fig. 1.

Concerning claim 15, St. Claire does not disclose a receiver sleeve. Stimson discloses the receiver sleeve (reference number 48) surrounding the output end of the lighting element providing a thermal barrier to absorb radiant heat from the lighting element (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the receiver sleeve of Stimson in the apparatus of St. Claire to reflect stray light to the front of the apparatus, thus maximizing light output. See Fig. 1 of Stimson.

#### ***Allowable Subject Matter***

5. Claims 1-11 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter. The prior art does not disclose a flashlight with the following features:

1) a receiver sleeve having a tail section at one end thereof, the receiver sleeve being electrically and thermally conductive, the tail section being received around the

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output end of the lighting element, making electrical and thermal contact with the first electrical contact *on the circuit board* to provide both a thermally conductive path to dissipate heat from the lighting element and an electrically conductive path to the first electrical contact as recited in claims 1 and 9.

### ***Response to Arguments***

7. Applicant's arguments filed 6 May 2005 have been fully considered but they are not persuasive. Applicant argues that Stimson does not disclose the light source being "contained within the tail portion of the receiver sleeve" (page 7, Remarks). To the contrary, the portion of intermediate diameter surrounding the light bulb on the top of the socket is part of the tail portion, and Stimson discloses this feature for the reasons discussed in the rejection of claim 12.

The other arguments are rendered moot due to the indication of allowable subject matter above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



**ALAN CARIASO**  
**PRIMARY EXAMINER**